

United States Senate

WASHINGTON, DC 20510

October 12, 2010

The Honorable Eric Holder
United States Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General,

We are writing to bring to your attention the recently issued decision of Judge Virginia A. Phillips of the United States District Court of the Central District of California in *Log Cabin Republicans v. United States*, which declared that the "Don't Ask, Don't Tell" (DADT) underlying law violates the U.S. Constitution's guarantees of due process and free speech, thereby rendering DADT unconstitutional. In light of important national security concerns, we respectfully request that you, in your capacity at the Department of Justice, refrain from appealing this decision or the injunction granted against this law.

The following quote from the judge's decision captures the overwhelming reason why the decision should stand: "Among those discharged were many with critically needed skills...Far from furthering the military's readiness, the discharge of these service men and women had a direct and deleterious effect on this governmental interest." As one of many criteria that the Justice Department will examine in deciding whether to appeal the permanent injunction to this policy, we ask that you examine whether or not an appeal furthers a legitimate governmental interest. We would say any appeal does not.

Additionally, DADT harms military readiness, as well as the morale and the cohesiveness of our armed forces, at a time when our military's resources are strained and unity is critically important. For every person discharged after ten years of service, six new servicemembers would need to be recruited to recover the level of experience lost by that discharge. This not only weakens our military, but neither is it an effective use of our government resources or taxpayer monies.

President Obama, Defense Secretary Robert M. Gates and Admiral Mike Mullen, chairman of the Joint Chiefs, have all publicly advocated for the repeal of this harmful law. There is no legal or military justification and not one shred of credible evidence that supports continuing the discriminatory DADT law, and considering the guidance of the commander-in-chief and the nation's top two defense officials, we urge you to refrain from seeking an appeal.

The federal court decision was a step in the right direction, and we are confident that the Senate will take the ultimate step by voting this fall on the fiscal year 2011 National Defense Authorization Act to permanently lift the ban on gays in the military. Although we understand that only action by Congress can bring real finality to this issue, we believe an appeal of the recent federal court decision could set back those congressional efforts. Therefore, we request your assistance in ensuring that we can eradicate this discriminatory law permanently and urge the Justice Department to choose not to appeal any court decision that would keep this law in place.

Thank you for your attention to this urgent matter. We look forward to hearing from you.

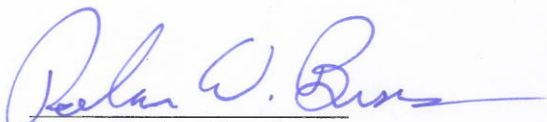
Sincerely,

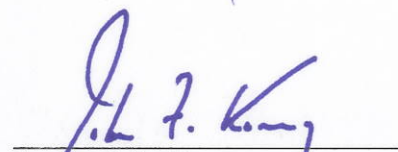


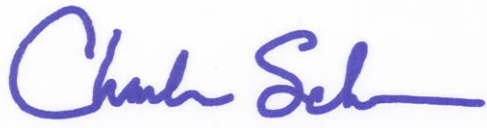
Senator Kirsten Gillibrand




Senator Mark Udall

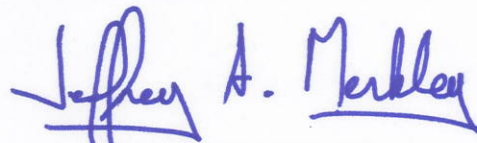

Senator Roland Burris


Senator John Kerry

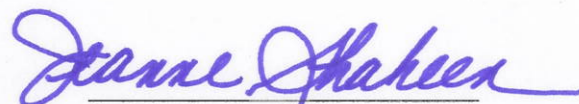

Senator Charles Schumer

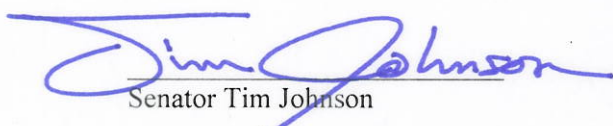

Senator Sheldon Whitehouse


Senator Bernard Sanders


Senator Jeff Merkley


Senator Mary Landrieu

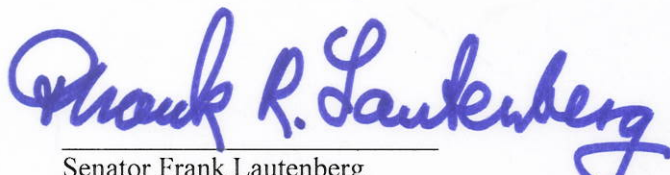

Senator Jeanne Shaheen


Senator Tim Johnson


Senator Al Franken



Senator Barbara Boxer


Senator Russell Feingold


Senator Frank Lautenberg


Senator Richard Durbin


Senator Robert Menendez


Senator Michael F. Bennet

Barbara Mikulski

Senator Barbara Mikulski

Sherrod Brown

Senator Sherrod Brown

Benjamin L. Cardin

Senator Benjamin Cardin